

INTER-OFFICE MEMO

April 24, 2012

TO: Rosemary Booth Gallogly

DEPT: Department of Revenue

FROM: Walter Craddock, Esq. Chairman

DEPT: Division of Motor Vehicles

SUBJECT: HEARING BOARD RESULTS

Please be advised of the following matters which were heard before the Board on Thursday,

April 12, 2012. Board members: Walter Craddock, Esq., Dennis Gerstmeyer, James Botvin and William Jeffery, arrived late. Also present Marcy Coleman, Esq., Division of Legal Services.

Lt. David Doucet of the Rhode Island State Police has recused himself from the dealer hearing board while on special assignment the Department of Motor Vehicles Enforcement Division until further notice.

MEETING OF APRIL 12, 2012 AT 9:00 AM AT THE

**DIVISION OF MOTOR VEHICLES –3RD. FLOOR, CONFERENCE
ROOM,
600 NEW LONDON AVENUE, CRANSTON, RI 02920**

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF THE : MARCH
8, 2012
BOARD HEARING.**

Minutes have been reviewed and accepted by the board.

**2. CARLO MORETTI / Frank Manni, Esq. vs. J & T AUTO SALES (Toros Hojarjian, Owner/Joseph Shekarchi, Esq.)
SHOW CAUSE HEARING – CASE # KR11-322
1ST RECHEDULED HEARING**

Decision: The Board has found in favor of the dealership because the vehicle was inspected prior to the sale and passed.

The Board has determined that J & T Auto Sales is in violation of the following Rhode Island Rules and Regulations and is required to pay the amounts listed below which total \$200.00, to the Rhode Island Dealers License and Regulations Office within 10 days of receiving the formal decision.

**Fine: \$100.00: Violation of RI Rules and Regulations Section VII (E):
Failing to include language requiring the inspection of vehicle prior to**

selling it.

**Fine: \$100.00: Violation of RI Rules and Regulations Section VII (E):
Failing sequentially numbers the bills of sale.**

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**3. NICOLE TRAINOR / Jeffrey S. Michaelson, Esq. vs. JDJ AUTO
SALES (Paul Picerne, Esq. / Daniel Calabro, Esq.)**

SHOW CAUSE HEARING – CASE #KR11-263

3RD RESCHEDULED HEARING

**Hearing postponed at the request of Daniel Calabro, Esq. legal
representative for JDJ Auto Sales.**

**4. DEALER'S LICENSE & REGULATIONS OFFICE V SUNSET AUTO
SALES (Carlos Baez, Pres. / Miriam Mercado, VP/ Ralph Chiodo, Esq.
– William Warren, Esq.)**

FAILED TO RENEW LICENSE BOARD TO DETERMINE

APPROPRIATE ACTION

SHOW CAUSE HEARING – CASE # KR12-021

2ND RECHEDULED HEARING

Decision: The Board has determined that Sunset Auto Sales' status must remain as out of business and that Carlos Baez should submit a first application for a used car dealership license to the RI Dealers License and Regulations Office.

5. DEALERS' LICENSE & REGULATIONS OFFICE V DISTINCTIVE MOTOR CARS UNLIMITED (Carl Pellegrino, Owner / Jonathan L. Stanzler, Esq.)

SHOW CAUSE HEARING – CASE # KR11-293

1ST RECHEDULED HEARING.

The Board has determined that Distinctive Motor Cars Unlimited is in violation of the following Rhode Island Rules and Regulations and is required to pay the amounts listed below which total \$500.00, to the Rhode Island Dealers License and Regulations Office within 10 days of receiving the formal decision.

Fine: \$250.00: Violation of RI Rules and Regulations Section VII (E): Failing to include language requiring the inspection of vehicle prior to selling it.

**Fine: \$250.00: Violation of RI Rules and Regulations Section VII (E):
Failing sequentially numbers the bills of sale.**

The Board has also determined that this case should be referred to the RI Division of Taxation because of discrepancies in the paperwork.

**6. TONY W. MORALES V. APPLE VALLEY AUTO SALES & SERVICE,
LLC**

(Mario Rey, Member)

SHOW CAUSE HEARING –CASE # DS11-285

2ND RESCHEDULED HEARING

Postponed at the request of Tony W. Morales because of illness.

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7. JAMES VICINO V. AUTO CHOICE CAR & TRUCK SALES (Domenic Carcieri, Pres)

SHOW CAUSE HEARING – CASE # DS11-357

1ST RECHEDULED HEARING

Decision: The Board has denied the complaint based on the fact that the vehicle was repaired during the warranty period and there was not indication of transmission problems during the duration of the warranty.

8. DEALERS' LICENSE & REGULATIONS OFFICE vs. VILLAGE MOTOR SALES

(John Capelli, VP)

SHOW CAUSE HEARING – CASE # KR-120089

1ST RECHEDULED HEARING

The Board has determined that Village Motor Sales is in violation of Rhode Island Rules and Regulations Section VI (L), allowed a non-employee to transact business as a representative of the dealership, therefore the dealership is required to pay a fine in the amount of \$500.00, to the Rhode Island Dealers License and Regulations Office within 10 days of receiving the formal decision.

9. BERNIER'S AUTO AND TRAILER SALES, LLC (Kevin Patras, Owner)

REQUEST FOR A THIRD DEALER PLATE # 360C; HAS TWO USED DEALER PLATES, LICENSED DEALER SINCE 1965

Request for additional dealer plate, 360C has been approved.

Walter R. Craddock, Esq., Chairman

Cc: John DiTomasso, Assistant Administrator, DMV

Marcy Coleman, Esq., Division of Legal Services, DOA

File